



ZB-1126M

Howard County Dept. of Public Works  
Petitioner

Howard County Planning Board

May 6, 2021

# Petitioner's Proposal

The Petitioner requests a Zoning Map Amendment to rezone the Ellicott City Courthouse properties from HO (Historic Office) to the HC (Historic Commercial).

# Ellicott City Courthouse Properties

## **County Courthouse: 1.63 acres**

Building SF/stories - 89,660/3 stories

Zoning - Historic Office (HO)

## **Former Detention Center: 0.23 acres**

Building SF/stories- 4,400/2 stories

Zoning - Historic Office (HO)

## **Office Building: 0.19 acres**

Building SF/stories- 6,000/4 stories

Zoning - Historic Office (HO)

## **Parking Lot: 4.14 acres**

269 Parking Spaces

Zoning - Historic Office (HO)





# Ellicott City Courthouse Properties

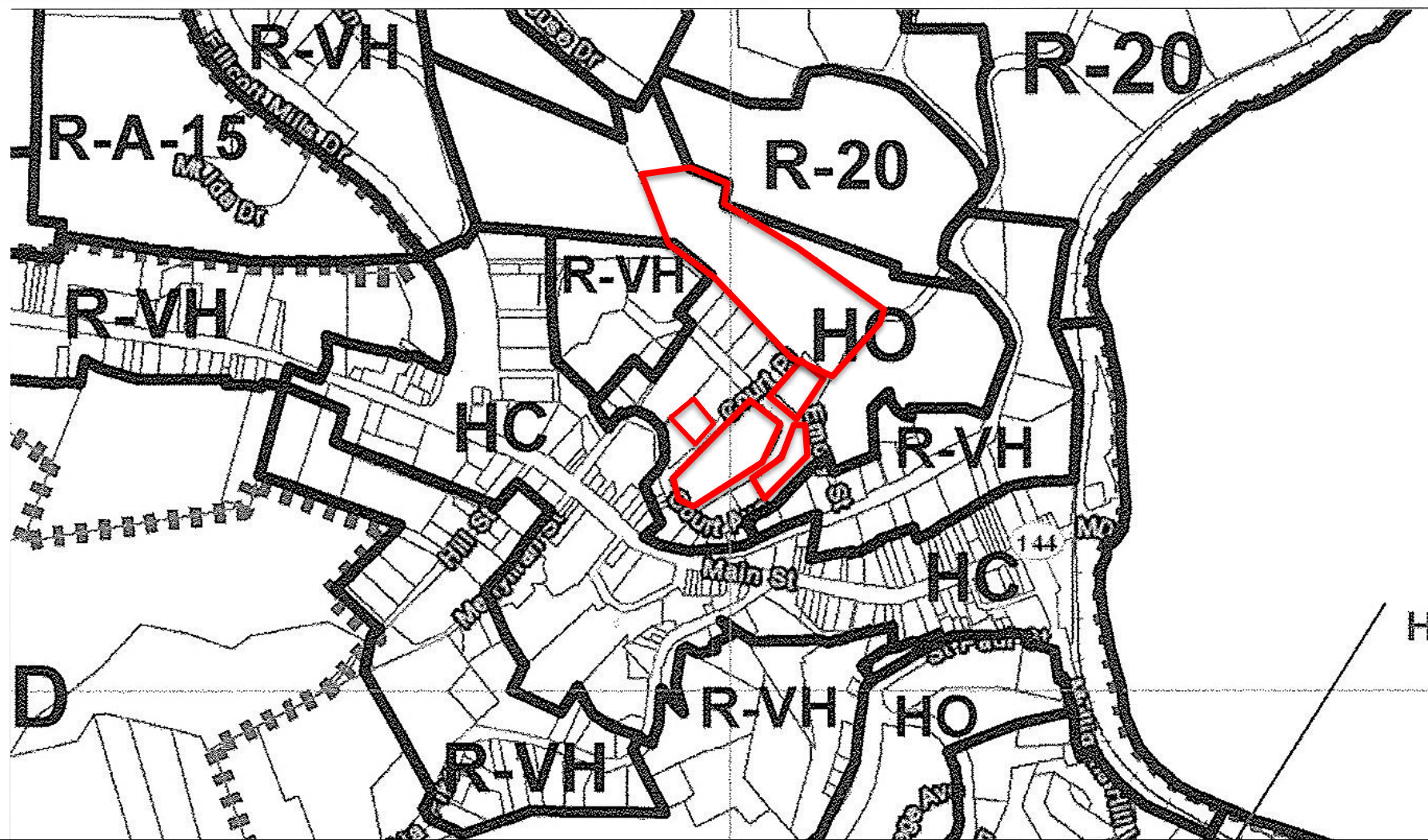


# Ellicott City Courthouse Properties

## History

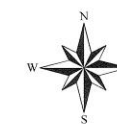
- **1843** - Original Courthouse opens
- **1851** - Old Jail was completed
- **1950's** - Newer addition was added to the courthouse building
- **1982** - Properties rezoned to HO (Historic Office)
- **2013** - HO zoning retained in Comprehensive Zoning
- **2018** - Planning and Design for new Circuit Courthouse
- **2020** - Ellicott City Master Plan – GPA adopted
- **2021** - County will vacate courthouse





1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50

# 2013 Comprehensive Zoning Plan Map



**Official Sectional  
Zoning Maps**

Effective October 6, 2013 Council Bill 32-2013



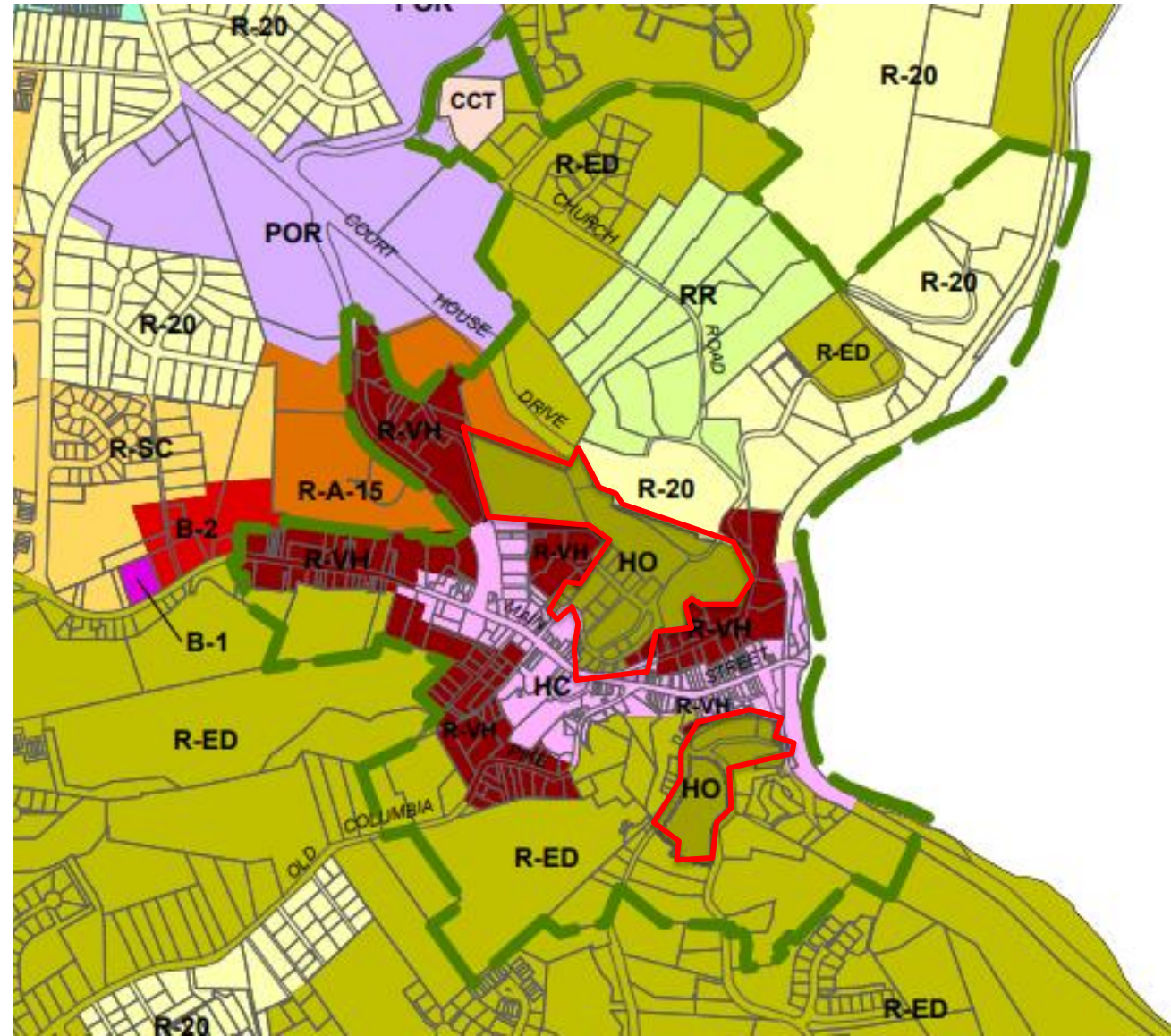
DEPARTMENT OF PLANNING AND ZONING

1 inch = 600 feet

MAP NO.

**25**

# HO Zoning District





# Courthouse Area Land Use





# Permitted Uses in HO

C= Conditional   X= Permitted By Right	
Uses	HO
Apartment units	X
Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions	X
Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.	X
Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations	X
Cemeteries and Mausoleums	C
Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities	C
Conference centers and bed and breakfast inns	X
Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses	X
Convents and monasteries used for residential purposes	X
Funeral Homes and Mortuaries	X
Government structures, facilities and uses, including public schools and colleges	X
Museums and Libraries	X
Nonprofit clubs, lodges and community halls	X
Offices, professional and business	X
Religious Facilities, Structures and Land Used Primarily for Religious Activities	X
Schools, commercial	X
Seasonal sales of Christmas trees or other decorative plant materials	X
Service agencies	X
Single-family attached dwelling units	X
Single-family detached dwellings	X
Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use	X
Utility Uses, Public	C
Volunteer fire departments	X

# Changes in Permitted Uses

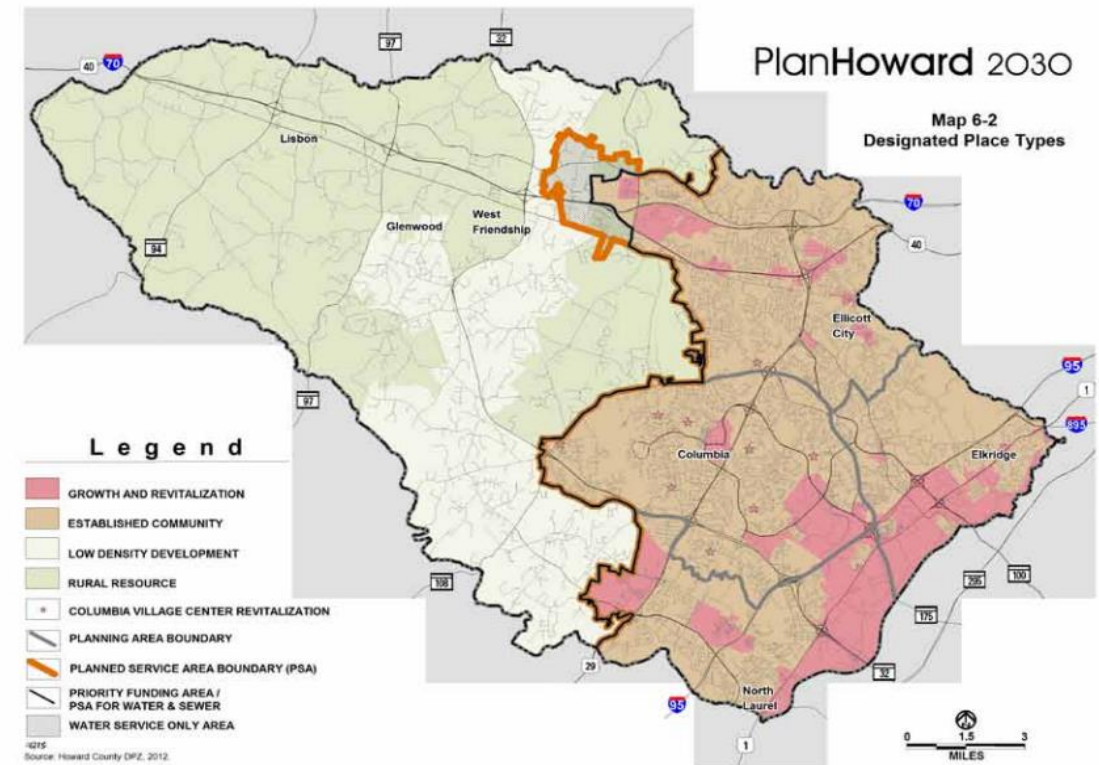
Uses	HO	HC
Antique Shops, Art Galleries and Craft Shops		X
Bakeries		X
Building cleaning, painting, roofing, exterminating and similar establishments		X
Carpet and floor covering stores		X
Catering establishments and banquet facilities		X
Clothing and apparel stores with goods for sale or rent		X
Conference centers and bed and breakfast inns	X	
Convenience stores		X
Convents and monasteries used for residential purposes	X	
Department stores, appliance stores		X
Drug and cosmetic stores		X
Food stores		X
Funeral homes	X	
Furniture stores		X
Furniture, appliance and business machine repair, furniture upholstery, and similar services		X
Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements		X
Hotels, motels, country inns and conference centers		X
Laundry and dry cleaning establishments, except that pickup and delivery services shall not be provided.		X
Liquor stores		X
Movie Theaters, Legitimate Theaters, Dinner Theaters		X
Personal service establishments		X
Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items		X
Restaurants, carryout, including incidental delivery services		X
Restaurants, fast food		X
Restaurants, standard, and beverage establishments, including those selling beer, wine and liquor		X
Single-family detached dwellings	X	
Specialty stores		X
Taxidermy		X



# Evaluation Regarding General Plan Policies

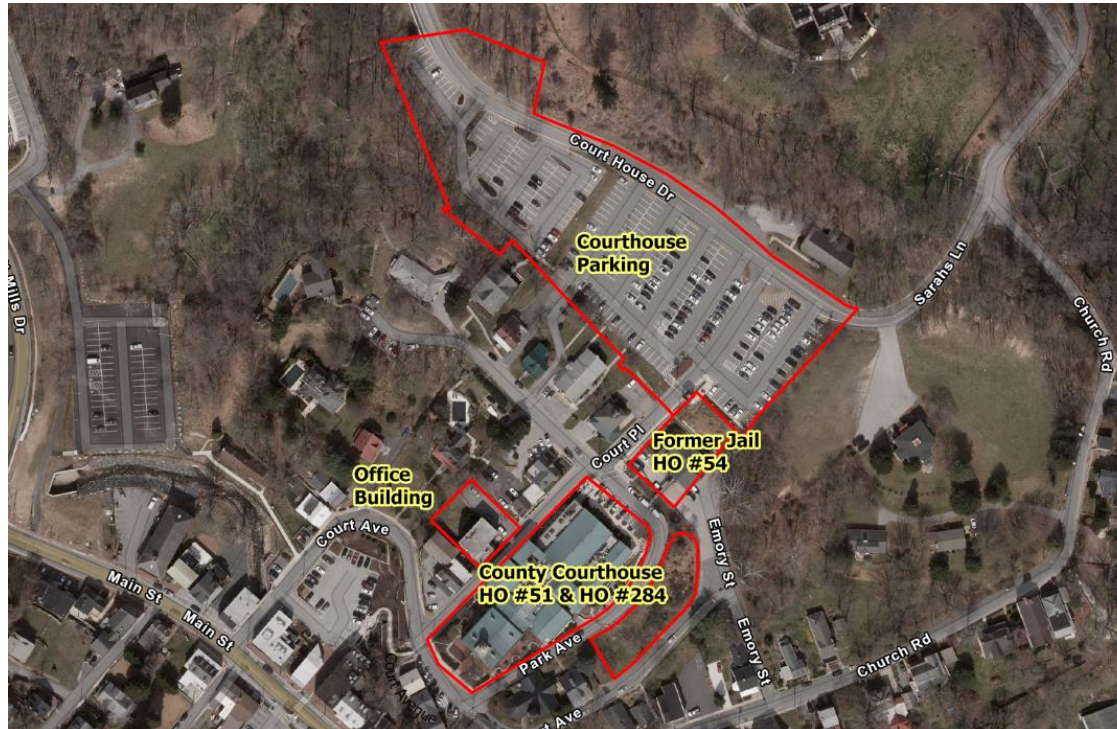
The HC zoning district is in harmony with the following PlanHoward2030 policies:

- Growth and Revitalization place type
  - Historic Commercial (HC) is consistent with this designation



# Evaluation Regarding General Plan Policies

- Policy 4.10 Expand on existing programs to enhance historic preservation and create an historic preservation plan
  - Implementing Action b. “strengthen historic preservation programs and laws both to prevent demolition and incentivize restoration and adaptive reuse.”





# Evaluation Regarding the General Plan Policies

The proposed HC zoning district is in harmony with the following Ellicott City Watershed Master Plan policy related to reuse of the courthouse properties:

## **POLICY 12.1** COURTHOUSE PROPERTY REUSE

Explore different options to dispose of the courthouse property with creative solutions for redevelopment that complements and enhances Ellicott City's downtown and reinforces—rather than competes with—the economic importance of Main Street.

### Implementing Actions

- e. **Mixed-Use New Construction:** While a variety of uses could be considered for the property, they should be determined as part of the disposition process, based upon market conditions and feasibility. Proposed uses should be complementary to the Main Street business community, and the form of new structures should be sensitive to the historic district.

- a. **Commercial Space Inventory:** Examine available space for large- and small-scale commercial inventory within downtown. The market data clearly indicated a demand for a variety of retail uses, some requiring larger floorplates than what are typically available in the downtown. While some of this inventory may be accommodated within existing buildings, the limited number of large floorplate buildings (such as the building that houses Su Casa and La Palapa), indicate that new construction should also be considered, particularly in conjunction with the development of parking structures.
- b. **Adaptive Reuse and Redevelopment Potential:** Explore the potential for and preserve opportunities for adaptive reuse and redevelopment (where permitted) that provides a variety of space sizes for retail, restaurant, and service uses while strengthening existing businesses and amenities. This variety of spaces could include spaces for entrepreneurial “start-ups” and micro-retail.

# Change or Mistake

- Floating Zoning Districts
  - Only outside of Comprehensive Zoning
- Comprehensive Zoning Districts
  - Only during Comprehensive Zoning
  - Outside of Comprehensive Zoning
    - Change in character of neighborhood since last CZ – land use based
    - Mistake
- HC is a Comprehensive Zoning District

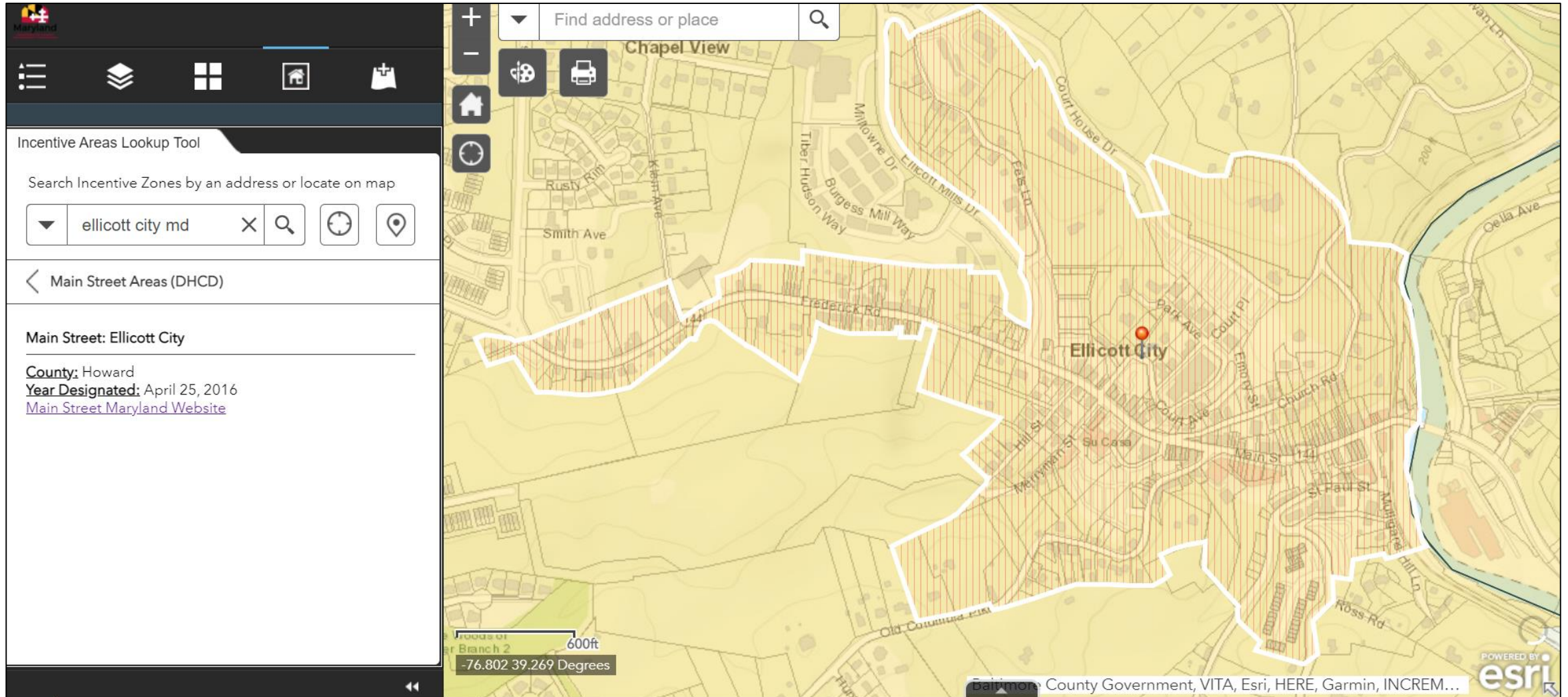


# Evaluation Regarding the Change Rule

To substantiate a change in character of the neighborhood, the petitioner must establish:

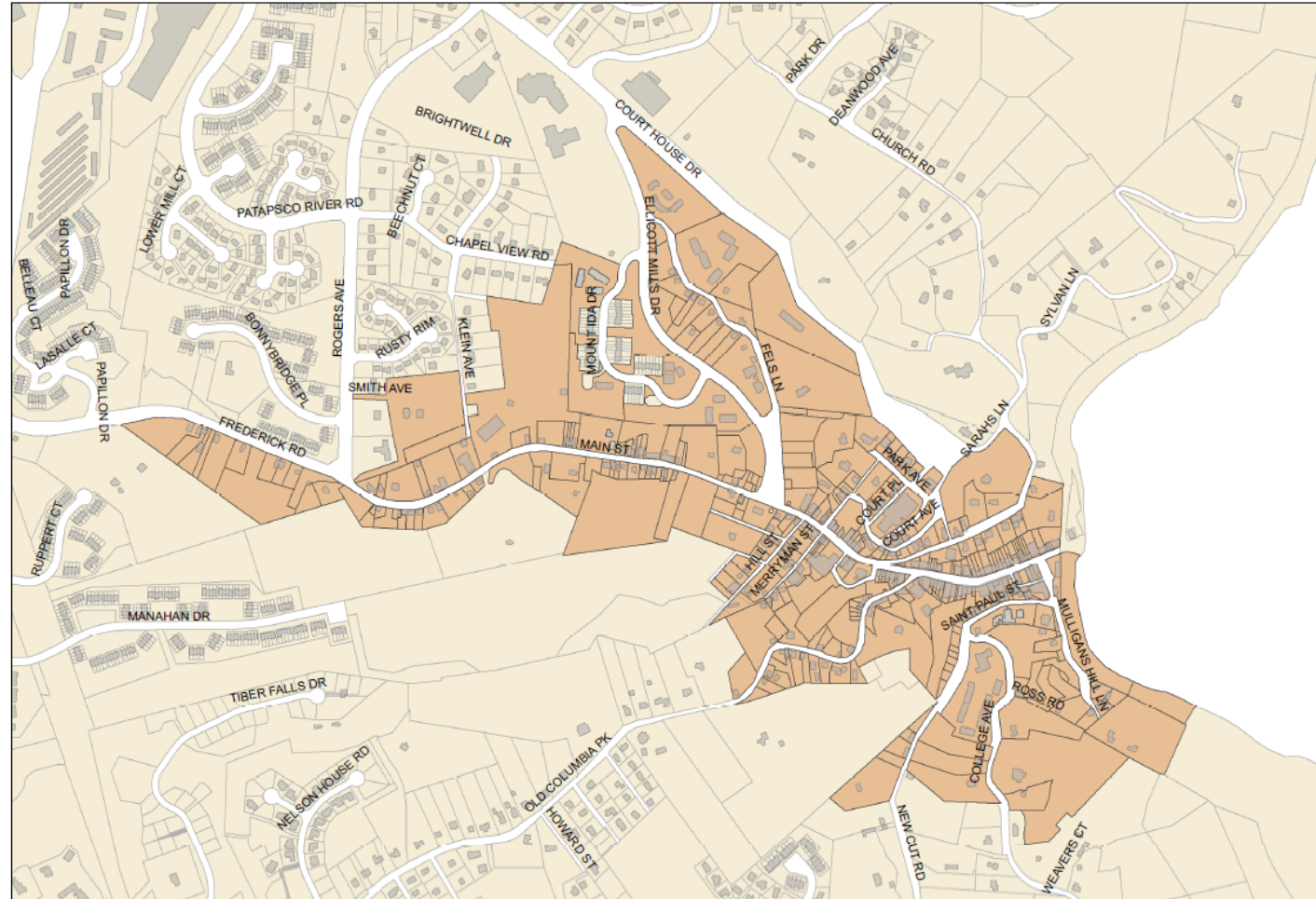
- The “neighborhood” boundary.
- The changes that occurred after the comprehensive zoning that altered the character of the “neighborhood.”

# Neighborhood Boundary






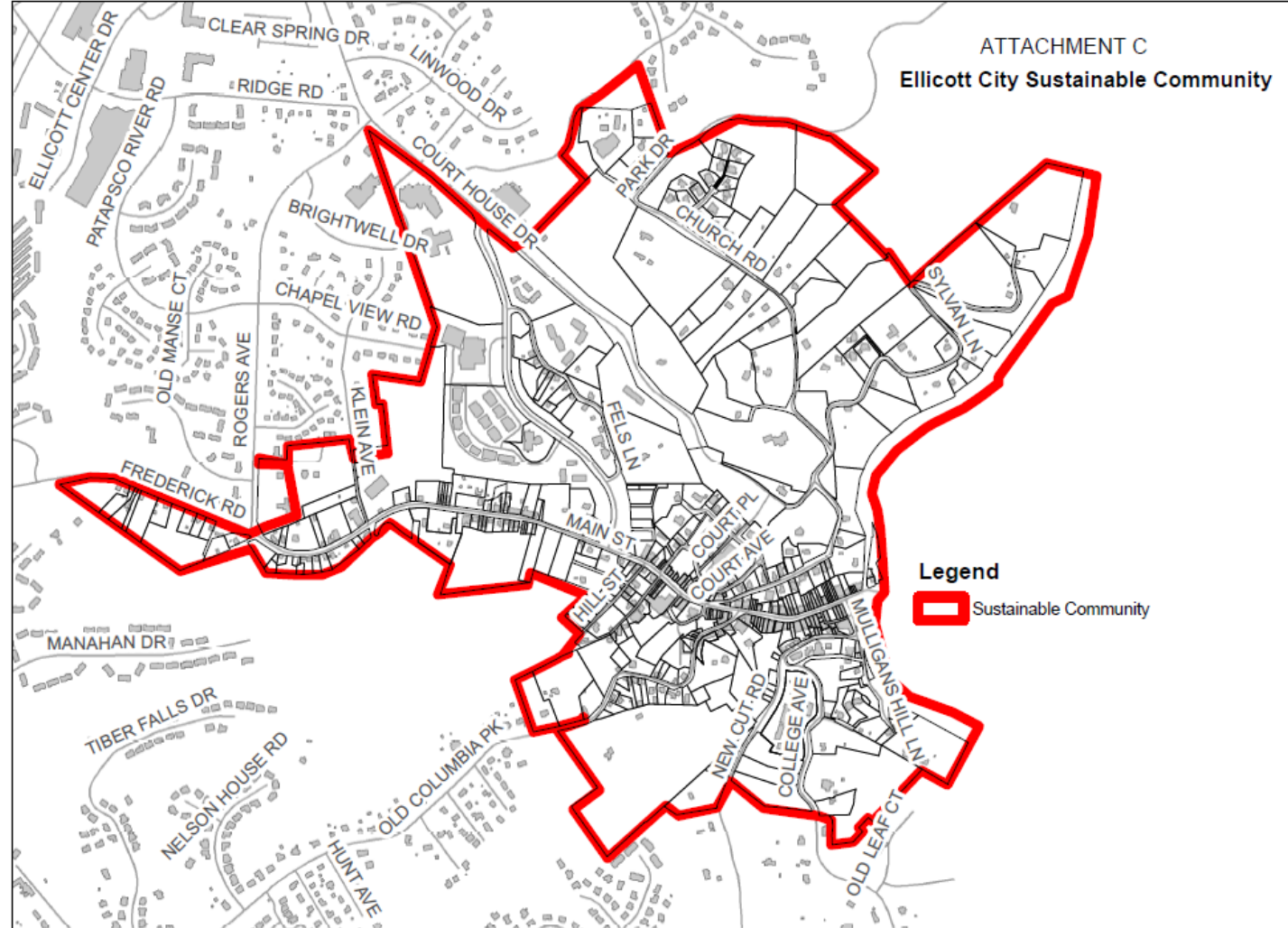
# Neighborhood Boundary



DESIGNATED NEIGHBORHOOD SURVEY  
Historic District Vicinity  
Ellicott City

 Potential Designated Neighborhood boundary

# Neighborhood Boundary



# Changes Subsequent to the 2013 Comp Zoning

DPZ concurs with the Petitioner's assertion that there has been substantial change in the character of the neighborhood since the 2013 CZP due to the following:

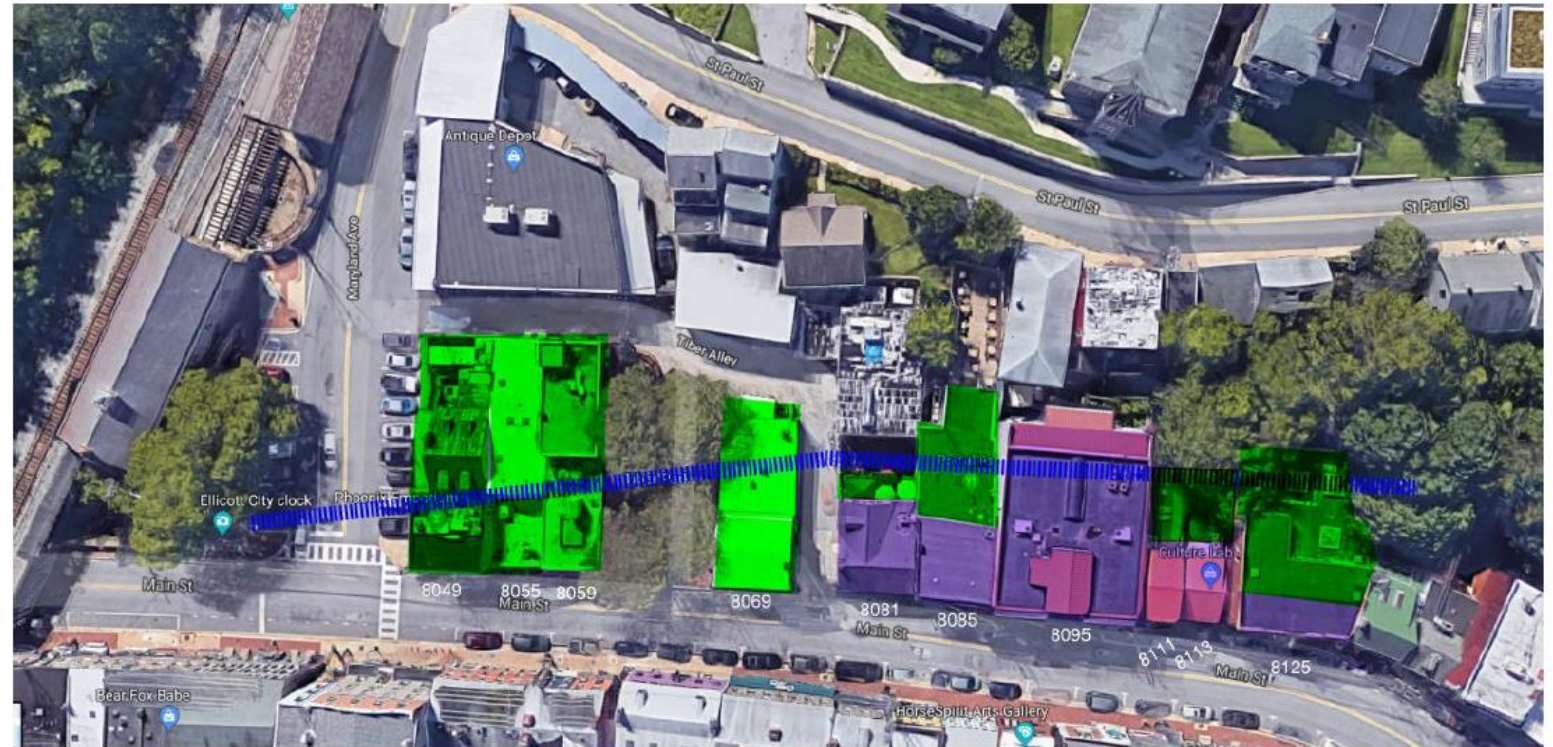
- Impacts of the 2016 and 2018 floods, which resulted in loss of life, damage to historic properties and impacts to commercial operations along Main Street.
- Development of the Ellicott City Safe & Sound and Ellicott City Watershed Master Plans.
- Impacts of the loss of the four buildings in lower main together with the alteration of six others.
- The impending relocation of courthouse operations, which will further change the Main Street neighborhood.






# Safe and Sound Plan – Phase 1 Demolition

## Ellicott City Watershed Master Plan:

“Change in Lower Main Character: ... Just as the loss of buildings to fire that led to the development of Tiber Park, the building removals associated with EC Safe and Sound will significantly alter the character of Lower Main...”



-  Buildings or rear additions to be demolished due to stream channel/ new underground stormwater designs. Historical building components to be salvaged
-  Purple- Original buildings to remain; where rear additions are demolished, new building enclosure to be constructed
-  Blue - Approx. location of active flowing stream that is exposed in some locations and under buildings in other areas.

# Evaluation Regarding the Mistake Rule

To substantiate a mistake in zoning, evidence must show that the Zoning Authority erred when it adopted the comprehensive zoning map.

Mistake in zoning is justified when there is evidence of events occurring subsequent to the comprehensive zoning that show the County Council's assumptions and premises have been proven invalid with the passage of time.

# Evaluation Regarding the Mistake Rule

DPZ concurs with the Petitioner's assertion that the County Council's assumptions during the 2013 Comprehensive Zoning related to the courthouse properties have proven invalid with the passage of time based on the following:

- The County Council's approval of the 2014 Capital Budget in May 2013, which increased funding for the Courthouse renovation and identified potential future funding up to \$30+ million.
- This immediately preceded the adoption of the 2013 Comprehensive Zoning legislation in July 2013.
- The legislative record provides no evidence that the County Council discussed the court closure or applicability of the HO zone to the Properties' during the 2013 CZP process.
- The Courthouse properties will be vacated on July 1, 2021.



# Appropriateness of Zoning District

The Petitioner asserts that HC zoning district is the most appropriate classification based on the following:

- The HO and HC zoning categories are closely associated in the zoning code and have similar purposes, permitted, accessory and conditional uses and bulk regulations.
- Only 3 zones are designated for Historic EC – RVH, HO, and HC
- The HC classification predominates along Main Street-in close proximity to the properties.
- HC is consistent with PlanHoward 2030, as described previously.

# HO vs. HC Permitted Uses

Uses	HO	HC
Antique Shops, Art Galleries and Craft Shops		X
Bakeries		X
Building cleaning, painting, roofing, exterminating and similar establishments		X
Carpet and floor covering stores		X
Catering establishments and banquet facilities		X
Clothing and apparel stores with goods for sale or rent		X
Conference centers and bed and breakfast inns	X	
Convenience stores		X
Convents and monasteries used for residential purposes	X	
Department stores, appliance stores		X
Drug and cosmetic stores		X
Food stores		X
Funeral homes	X	
Furniture stores		X
Furniture, appliance and business machine repair, furniture upholstery, and similar services		X
Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements		X
Hotels, motels, country inns and conference centers		X
Laundry and dry cleaning establishments, except that pickup and delivery services shall not be provided.		X
Liquor stores		X
Movie Theaters, Legitimate Theaters, Dinner Theaters		X
Personal service establishments		X
Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items		X
Restaurants, carryout, including incidental delivery services		X
Restaurants, fast food		X
Restaurants, standard, and beverage establishments, including those selling beer, wine and liquor		X
Single-family detached dwellings	X	
Specialty stores		X
Taxidermy		X